AN
INSTANCE
OF THE
Church of England's
LOYALTY.

Published with Allowance.

LONDON:

Printed by *Henry Hills*, Printer to the King's Most Excellent Majesty, for his Houshold and Chappel. 1687.

An Instance of the Church of *England*'s Loyalty.

THE *Loyalty* of the *Church of England* has been the Subject of some late Papers, and is now of this Discourse. The Gentlemen of that Communion, especially those who call themselves their *Clergy*, and some others, affectionately addicted to their Interests, are amazed to find themselves arraign'd for want of *Loyalty*, which they have vaunted of to that degree, as to glory in being the only Pattern of a Christian Church, that has yielded an un interrupted Obedience to their Princes, without the least blemish to their *Loyalty*, ever since their first Establishment. 'Tis confess'd that they have acknowledged *the Divine Right of Monarchy*, by their *Canons*, their *Writings*, and their *Sermons*; that they have consequentially invested their Princes with a Power, as Precedent and Superior to, so not capable of being limited and restrained by any Human Laws; and by *the Ecclesiastical Supremacy*, which they have lodged in the *Crown*, they have made their *Monarchs* as great in Spirituals, as the Laws of God or of the Realm have made them in Temporals. They have built this Power upon the Hypothesis of *a Paternal Right*, and have guarded it with the impregnable Bulwarks of *Passive Obedience*, and *Non resistance*. *Can. Ann.* 1640.

This Doctrin, as we allow it to be true, so we agree it to be the Doctrin of the *Church of England*, tho' we do not find it in any of their public Sanctions, (save what is contain'd in the *Can. of* 1640. which are not in force.) For since they themselves neither obey their *Canons*, nor think themselves obliged to believe their *Articles*, tho' they subscribe them; but alledge,

that they ſubſcribe them only as *Articles of Peace*, which they are not to preach againſt, nor ſeparate Communion for; we muſt allow *that* to be the Doctrin of their Church, which their ſeveral Divines tell us is ſo.

And, as we allow this to be their Doctrin, ſo, if their Practice has been accordingly, we will readily allow their claim, of being the beſt Subjects in the world. But, as good works, whether meritorious of Salvation, or not, are yet neceſſary, at leaſt as demonſtrations of Faith, from which they neceſſarily flow; ſo they muſt excuſe us, if we ſuſpend our belief of their ſingular Loyalty, notwithſtanding their own ſpecious pretences, till we have examined at leaſt ſome of their Practices, by the Rules, which themſelves have furniſh'd us with; according to the Rule, *Shew me thy Faith by thy Works.*

They have been happy in meeting with few occaſions of having their Loyalty try'd; for ever ſince their Eſtabliſhment, till of late years, *the Prince Regnant* has been of their Communion, and conſequently favoured their Intereſt. And, as they have been told already, their adhering to His Majeſty's Father in the time of the late unhappy Rebellion, was no ſuch work of Supererogation; the quarrel being theirs: and the reſtraint, which they endeavoured to bring all others under, and which *Archbiſhop Laud* left no ſtone unturn'd to proſecute, having been the cauſe of that unfortunate War.

Nor was their carriage more meritorious upon the occaſion of the late unrighteous *Bill of Excluſion*: Themſelves hatch'd it; a great part of their Body promoted it; and we may conclude, without any breach of Charity, from the following inſtance, that the reaſon why the greater part of their Clergy appear'd with ſo much concern and indignation againſt it, was more out of Self-intereſt, than either affection to the Royal

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Family, or a ſenſe of their Duty. For they could not but ſee, that the Sticklers for that Bill levell'd at *Monarchy*, more than *Popery*; and they knew, that no other Form of Government would be conſiſtent with their *Hierarchy*.

The Inſtance, which I ſhall inſiſt on, ſhall be their carriage in the buſineſs of *Mary Queen of Scots*, His preſent Majeſty's Great-Grandmother. Which has been objected to them already, but perhaps not urged with ſo much advantage as it is capable of.

But before I give an account of Her Hiſtory, I think it neceſſary to take notice, that the *Church of England* aſſerts the *Divine Right of Succeſſion* in Hereditary Monarchies. Indeed it is a natural conſequent upon the *Divine Right of Monarchy*, and upon the Hypotheſis of *the Paternal Right*: But yet, becauſe I am about to give a notorious Inſtance of their receding from this Principle, when the Practice of it thwarted their Intereſt; it will not be amiſs to obſerve, that they have acknowledged in their ſeveral Addreſſes to His preſent Majeſty, upon his acceſſion to the Crown, *The unalterable and inherent Right of Succeſſion*; which *cannot be taken away by the ſpecious formality of a Law*; That *the Law of Heaven is not to be violated by an Excluding Bill upon Earth*: In others they own *an undoubted Right of Succeſſion by the Laws of Nature, the unalterable Right of Proximity of Blood*: Theſe they call the *Right Notions of Loyalty*, and the oppoſite Opinion *Antimonarchical* and *Republican*. Purſuant to theſe Principles they acknowledge, whatever Act of Parliament hath been, or may be made, to alter the Stream of the Succeſſion in the Right Line, to be null and void. The Worthy Perſons that ſpoke in the Houſe of Commons againſt *the Bill of Excluſion*, inſiſted, as one main Argument againſt it, That it was againſt *the Principles of their Religion*, and would be void, if it were enacted. And in the *Oxford-Decrees*, *July* 21. 1683. it is declared to be *a Falſe*,

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Seditious, and Impious Position, to assert it lawful to preclude the next Heir from his Right and Succession to the Crown.

The next thing is to relate the Story of *Mary Queen of Scots* and *Queen Elizabeth*. The former was Daughter and Heir of *James the Fifth*, King of *Scotland*, who was Son and Heir of *Queen Margaret*, Wife to *King James the Fourth*, and the Eldest Daughter of *King Henry the Seventh*; so that upon the Death of *King Henry the Eighth*, without Issue of his Body, the Right of the Crown devolved upon the Posterity of that Queen, whose undoubted Heir was the aforesaid *Mary Queen of Scots*. Now after the Death of *Mary Queen of England*, *Queen Elizabeth* was set up here, the only surviving Child of *King Henry the Eighth*, and the only Person in the World that had any Pretence to interpose between the *Queen of Scots*, and the *Crown of England*. What her Pretence was, and whether it was such as will excuse the *Church of England*, according to this Principle of the Succession being *Jure divino*, in adhering to her in Opposition to the Title of the *Queen of Scots*, &c. is now to be enquired.

Queen Elizabeth was the Daughter of *Anne Bolen*, *King Henry the Eighth*'s Second Wife; the King indeed was married to her, and their Daughter *Elizabeth* was born before the Death of *Queen Catharine*, his First Wife. But since the Church of *England* maintain the Lawfulness of *Queen Catharine's* Divorce, and my Design in this Paper is only to argue from their own Principles; I shall wave whatever relates to *Queen Catharine*, and will suppose the Marriage of *Anne Bolen* to have been as valid, as it would have been if *Queen Catharine* had actually been dead. The Illegitimacy then of *Queen Elizabeth* is apparent upon an another Account: For *King Henry* was solemnly divorced from her Mother at *Lambeth*

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by *Cranmer, Archbiſhop of Canterbury*, for a Precontract, which her ſelf confeſſed, as may be read in *Doctor Burnet's Hiſtory of the Reformation.*

Now it is well known that a Precontract is a good Cauſe of *Divorce à Vinculo*, by the Law of God, and of this Realm. That Sentence was confirmed by *Act of Parliament Anno* 28. *Henr.* 8. Which Act ſo far forth as it concerns *Queen Elizabeth*, was never expreſly Repealed; ſo that nothing can be more evident than her Illegitimacy, and conſequently that ſhe had no right to the Crown by *inherent Birth-right.*

But what Pretence of Title had ſhe? why, in the *35th Year of King Henry the Eighth*; the King, being then about to go beyond Sea, cauſed an Act to be paſſed for eſtabliſhing the Succeſſion. By which it was enacted, *that in caſe it ſhould happen the King's Majeſty and Prince* Edward *his Son to deceaſe without Iſſue, of either of their Bodies lawfully begotten, Male or Female, that then the Crown ſhould be to the Lady* Mary *the King's Eldeſt Daughter, and to the Heirs of her Body, and for Default of ſuch Iſſue, to the Lady* Elizabeth, *and the Heirs of her Body.*

This Act of Parliament was her Title; all the Title ſhe had, and all that ſhe pretended to. Nay and by the Statute of 1 *Eliz. cap.* 3. It is enacted, *That the limitation of the Crown contained in that Statute of* 35. *Hen.* 8. *ſhall ſtand, remain, and be the Law of the Realm for ever*; which *Statute* did not limit the Crown to her, but after *the Death of King* Henry *without Iſſue of his Body, Male or Female*: So that her Illegitimacy is tacitely confeſs'd by an Act in her own Reign. And ſo conſcious was ſhe that her Title to the Crown depended upon an Act of Parliament only, that in the *13th Year of her Reign*, it was made *High-Treaſon to ſay, that the Succeſſion to the Crown could not be altered by Act of Parliament.*

Now under this *Act-of-Parliament-Queen*, what Treaſons

ſons did not the Church of *England* practiſe againſt their natural Sovereign? They granted Subſidies to aſſiſt her *Scottiſh* Subjects againſt her, they entred into Aſſociations here at home againſt her, they erected a *High Court of Juſtice*, by Act of Parliament, on purpoſe to take her off. That Court ſentenced her to Death. After her Condemnation the Parliament petitioned for her Execution, each Houſe apart; and the *Biſhops* gave their Reaſons, why it ought to be. And then the fatal Blow was given.

I ſhall obſerve by the way, that before this Queen was taken off, and ſo the Succeſſion pretty well ſecured againſt *Popery*, the *Church of England* never perſecuted any of her *Proteſtant Diſſenters*; but aſſoon as that work was done, and the Court likely to continue on their ſide, then out flies the 35 *Eliz. cap.* 2. *Againſt Sectaries*; but this *obiter*.

To conlude, If a Precontract be a good Cauſe of *Divorce à Vinculo*, by the Law of God, which they acknowledge that it is; and if the Marriages of Princes lie open to theſe Nullities, as well as thoſe of other perſons, which will not be denied: If no Perſon can have a Right by *Inherent Birth-right*, either to a Crown, or a private Inheritance, that is not born or begotten in lawful Wedlock; then was *Queen Elizabeth* illegitimate, and conſequently had no right to the Crown *by Inherent Birth-right*, nor could the *Act of* 35 *Hen.* 8. give her any, in prejudice of the lawful Heir in Succeſſion, becauſe the law of God muſt be obey'd, rather than the Law of Man: and conſequently *Mary Queen of Scots*, was their *liege Princeſs*. But *ſhe was the Heir and they killed her, that the Inheritance might be theirs.*

It follows from the Premiſſes, that the *Reformation* of the *Church of England* was not ſo regular as is pretended, but is liable to the ſame Imputation of *Treaſon* and *Rebellion*, wherewith they brand the *Reformations* abroad.

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